**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE SIDE**
**WRIT PETITION NO. 6096 OF 2005**

United Breweries (Holdings) Ltd.
and anr. ... Petitioners

Versus

Debt Recovery Appellate Tribunal
and Ors. ... Respondents

Mr. N.H. Seervai, Sr. Advocate with Mr. Karl Shroff for Petitioner.

Mr. Dhajanjay Patil for Respondent No. 4.

**CORAM : F.I. REBELLO &**
**DR. D.Y. CHANDRACHUD,JJ.**
**DATED : 26TH SEPTEMBER, 2005**

P.C.

. Draft amendment handed in. Amendment to be carried out within the period of one week from today.

. Rule. Heard forthwith.

. The present petition is directed against the order of the learned D.R.A.T. dated 30.6.2005 wherein on the application for waiver made by the petitioner herein the learned appellate court was pleased to direct Petitioners herein to deposit 75% of Rs.77 lacs. within eight weeks from today. There is further direction that if the amount is not deposited, the appeal would stand rejected. As there was failure to deposit the appeal stands

rejected. The Petitioners today have sought amendment to challenge the said rejection also. The Petition was filed before this court on 25.8.2005.

. We have gone through the impugned order. We have also perused Para 17 of the order. We find that the reasons set out therein in Para 12 are totally irrelevant for the determination on considering application for waiver. In the light of that impugned order dated 30.6.2005 is set aside. The matter is remanded back to the tribunal for reconsideration of the application for waiver within the period of two weeks from today on the copy of this order being served on the D.R.A.T. At any rate not later than two weeks.

. Accordingly Petition stands disposed off.

**(F.I. REBELLO,J.)**

**(DR. D.Y. CHANDRACHUD,J.)**